

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CLIFFORD L. RUCKER,

Plaintiffs,

v.

Case No. 1:18-cv-05

Black, J.
Bowman, M.J.

JUDGE TOM HEEKIN, et. al,

Defendants.

REPORT AND RECOMMENDATION

On January 10, 2018, the undersigned issued a Report and Recommendation that Plaintiff's Complaint be dismissed with prejudice based upon a lack of subject matter jurisdiction under the ADA and the criminal statutes relied upon, and Plaintiffs failure to state any claim against any Defendant under 42 U.S.C. § 1983. (Doc. 5). Thereafter, Plaintiff filed a motion to dismiss without prejudice, or in the alternative, motion for leave to file an amended complaint. (Doc. 7). Plaintiff's motions are not well-taken and should be denied.

Upon careful review, the undersigned finds Plaintiff's motion to dismiss without prejudice to be more properly characterized as supplemental objections to the pending Report and Recommendation. Plaintiff's purported motion fails to raise any new claims and/or requests for relief. He simple reiterates his objections to the pending R&R. Accordingly, Plaintiff's motion to dismiss his complaint without prejudice and/or leave to file an amended complaint should be (Doc. 7) **DENIED as MOOT.**¹

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

¹ Plaintiff may file a motion for leave to amend the complaint if the District Judge fails to adopt the pending Report and Recommendation that his matter be dismiss with prejudice.

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).